

the Act. Section 422(a) of the Act incorporates such provision except as the Secretary provides by regulation.

(b) Where one or more of the presumptions contained in §§ 718.302–718.305 is or may be applicable to a claim, the provisions of section 20(a) of the Longshoremen's Act shall not apply to relieve a claimant from the burden of proving the facts necessary to give rise to the presumption, nor do the provisions of section 20(a) relieve a claimant of the burden of proving any element of the claim. See § 718.403.

Subpart E—Miscellaneous Provisions

§ 718.401 Right to obtain evidence.

Each miner who files a claim for benefits under the Act shall be provided an opportunity to substantiate his or her claim by means of a complete pulmonary evaluation. Accordingly, the Office shall assist each claimant in obtaining the evidence, including medical evidence, necessary for a complete adjudication of a claim. In the case of a miner's claim, initial medical tests and examinations shall be arranged for the miner by the Office, at no cost to the miner (See §§ 725.405 and 725.406 of this subchapter). If a conflict in medical evidence is determined to exist by the district director or if a miner is dissatisfied with the results of medical evidence obtained by the district director, additional medical evidence may be obtained by the miner or the district director, as provided in § 725.407 of this subchapter.

§ 718.402 Failure to furnish required medical evidence.

An individual shall not be determined entitled to benefits unless he or she furnishes such medical evidence as is reasonably required to establish his or her claim. A miner who unreasonably refuses (a) to provide the Office or a coal mine operator with a complete statement of his or her medical history and/or to authorize access to his or her medical records, or (b) to submit to an examination or test requested by the district director or a coal mine operator which may be liable for the payment of a claim, shall not be found eligible for benefits under this subchapter

(See §§ 725.408 and 725.414 of this subchapter).

§ 718.403 Burden of proof.

Except as provided in this subchapter, the burden of proving a fact alleged in connection with any provision of this part shall rest with the party making such allegation.

§ 718.404 Cessation of entitlement.

(a) An individual who has been finally adjudged to be totally disabled due to pneumoconiosis and is receiving benefits under the Act shall promptly notify the Office and the responsible coal mine operator, if any, if he or she engages in any work as defined in § 718.204(c).

(b) An individual who has been finally adjudged to be totally disabled due to pneumoconiosis shall, if requested to do so upon reasonable notice, where there is an issue pertaining to the validity of the original adjudication of disability, present himself or herself for, and submit to, examinations or tests as provided in § 718.101, and shall submit medical reports and other evidence necessary for the purpose of determining whether such individual continues to be under a disability. Benefits shall cease as of the month in which the miner is determined to be no longer eligible for benefits.

APPENDIX A TO PART 718—STANDARDS FOR ADMINISTRATION AND INTERPRETATION OF CHEST ROENTGENOGRAPHS (X-RAYS)

The following standards are established in accordance with sections 402(f) (1) (D) and 413(b) of the Act. They were developed in consultation with the National Institute for Occupational Safety and Health. These standards are promulgated for the guidance of physicians and medical technicians to insure that uniform procedures are used in administering and interpreting X-rays and that the best available medical evidence will be submitted in connection with a claim for black lung benefits. If it is established that one or more standards have not been met, the claims adjudicator may consider such fact in determining the evidentiary weight to be assigned to the physician's report of an X-ray.

(1) Every chest roentgenogram shall be a single posteroanterior projection at full inspiration on a 14 by 17 inch film. Additional